C.J. ' s Court

Civil Writ Petition No. 375 (M/B) of 2002

Dinesh Saxena ..... Petitioner

V/S

The Excise Commissioner,
Uttaranchal, Dehradun and
Others ..... Respondent

.....

Hon. A.A. Desai, C.J.

Hon. Irshad Hussain, J.

Sri L.P. Naithani, learned counsel for the petitioner and learned C.S.C. appeared.

The petitioner was holding liquor license for running a retail shop at Devidhura in district Champawat. However, by the impugned orders, the Licensing Authority directed the petitioner to shift his shop to Pati and in the meanwhile to close down the shop. The validity thereof is questioned in this petition.

Heard learned Chief Standing Counsel. The only ground he has offered is that the impugned orders were passed since there was public agitation against the shop. The ground as assigned has no justification to direct the licensee to shift the retail shop anywhere else. Such option is not available to licensee. The licensee can not carry the business at any place of his choice excepting the licensed premises approved by the Licensing Authority. The impugned order is manifestly illegal. Therefore, the same is quashed and set aside. However, it is open for the Licensing Authority to take such steps as admissible under law.

The petition is accordingly allowed.

Dt. 02.09.2002 **(A.A. Desai, C.J.)**

A (**Irshad Hussain, J.)**